

conditions whereby it may have become contaminated with filth; and, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

**DISPOSITION:** September 30, 1952. A plea of guilty having been entered, the court fined the defendant \$50 and costs.

### CHEESE

**18920. Adulteration and misbranding of pasteurized process cheese. U. S. v. 6 Boxes \* \* \*. (F. D. C. No. 32961. Sample No. 27680-L.)**

**LIBEL FILED:** March 24, 1952, District of Nevada.

**ALLEGED SHIPMENT:** On or about February 13, 1952, by Safeway Stores, Inc., from Sacramento, Calif.

**PRODUCT:** 6 boxes, each containing 9 ½-pound packages, of pasteurized process cheese at Reno, Nev.

**LABEL, IN PART:** "Dutch Mill Pasteurized Process American [or "Swiss Blended with American" or "Pimento"] Cheese."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the products contained an added poisonous and deleterious substance, dehydroacetic acid, which is unsafe within the meaning of the law since it is a substance not required in the production of the foods and can be avoided by good manufacturing practice.

Misbranding, Section 403 (g) (1), the products purported to be and were represented as "Pasteurized Process American Cheese," "Pasteurized Process Pimento Cheese," and "Pasteurized Process Swiss Blended with American Cheese," and they failed to conform to the respective definitions and standards since they contained dehydroacetic acid, which is not permitted as an ingredient of these cheeses in the definitions and standards.

**DISPOSITION:** June 6, 1952. Default decree of condemnation and destruction.

### EGGS

**18921. Adulteration of frozen eggs. U. S. v. C. A. Swanson & Sons. Plea of nolo contendere. Fine of \$300 and costs. (F. D. C. No. 31576. Sample No. 9650-L.)**

**INFORMATION FILED:** July 30, 1952, District of Nebraska, against C. A. Swanson & Sons, a corporation, Omaha, Nebr.

**ALLEGED SHIPMENT:** Between the approximate dates of May 12 and 19, 1951, from the State of Nebraska into the State of Illinois.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of decomposed eggs.

**DISPOSITION:** October 30, 1952. A plea of nolo contendere having been entered, the court fined the defendant \$300 and costs.

**18922. Adulteration of frozen eggs. U. S. v. 370 Cans \* \* \*. (F. D. C. No. 32499. Sample No. 38010-L.)**

**LIBEL FILED:** February 7, 1952, District of New Jersey.

**ALLEGED SHIPMENT:** On or about December 31, 1951, by Frank J. Pilley & Sons, Inc., from Everett, Mass.

**PRODUCT:** 370 30-pound cans of frozen eggs at Jersey City, N. J.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed eggs.

**DISPOSITION:** May 5, 1952. Frank J. Pilley & Sons, Inc., Sioux City, Iowa, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion, under the supervision of the Federal Security Agency. 19 cans of the product were found unfit and were denatured for technical use.

### FISH AND SHELLFISH

**18923. Adulteration of frozen ocean perch fillets. U. S. v. 20 Cases \* \* \*.**  
(F. D. C. No. 32847. Sample No. 48604-L.)

**LIBEL FILED:** March 8, 1952, District of Minnesota.

**ALLEGED SHIPMENT:** On or about January 25, 1952, by Gorton-Pew Fisheries Co., Ltd., from Gloucester, Mass.

**PRODUCT:** 20 cases, each containing 10 5-pound cartons, of frozen ocean perch fillets at Minneapolis, Minn.

**LABEL, IN PART:** "Gorton's of Gloucester Ocean Perch."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

**DISPOSITION:** April 23, 1952. Default decree of condemnation. The court ordered that the product be denatured for use as animal feed or be destroyed.

**18924. Misbranding of frozen dressed smelts. U. S. v. 31 Cartons \* \* \*.**  
(F. D. C. No. 32834. Sample No. 14168-L.)

**LIBEL FILED:** March 14, 1952. District of Colorado.

**ALLEGED SHIPMENT:** On or about November 27, 1951, by Select Foods, Inc., from San Francisco, Calif.

**PRODUCT:** 31 cartons, each containing 20 1-pound packages, of frozen dressed smelts at Denver, Colo.

**LABEL, IN PART:** "Ocean Beauty Brand Dressed Smelts Fresh Frozen, Cleaned, Ready to Cook."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label statement "Cleaned, Ready to Cook" was false and misleading since the product contained fish from which the guts and milt had not been removed.

**DISPOSITION:** April 29, 1952. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution and that samples be furnished to the Food and Drug Administration.

**18925. Adulteration of chub roe. U. S. v. 600 Pounds \* \* \*.** (F. D. C. No. 32955. Sample No. 37812-L.)

**LIBEL FILED:** March 14, 1952, Southern District of New York.

**ALLEGED SHIPMENT:** On or about March 3, 1952, by Fred Buehrer, from Suttons Bay, Mich.

**PRODUCT:** 600 pounds of chub roe at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of worms.

**DISPOSITION:** April 2, 1952. Default decree of condemnation and destruction.